

*McKENNA, S.*

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

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UNILEVER SUPPLY CHAIN, INC.,	: Civil Action No. 09-CV-07601
	: (LMM)
Plaintiff	:
	:
-against-	:
	: STIPULATION DISMISSING
	: COUNTERCLAIM REGARDING
	: '141 DESIGN PATENT
APOLLO HEALTH AND BEAUTY	:
CARE CORPORATION,	:
APOLLO HEALTH AND BEAUTY CARE	:
APOLLO HEALTH CORP. AND	:
APOLLO BEAUTY CORP.	:
	:
Defendants	: -----X
	:
APOLLO HEALTH AND BEAUTY CARE.,	:
	: Counter-Claimant,
	:
-against-	:
	:
UNILEVER SUPPLY CHAIN, INC.	:
	: Counter-Defendant.
	: -----X

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WHEREAS, on September 1, 2009, Plaintiff Unilever Supply Chain, Inc. ("Unilever") commenced the above-captioned action;

WHEREAS, on October 20, 2009, Unilever filed an Amended Complaint ("Amended Complaint");

WHEREAS, on March 15, 2010 Apollo Health and Beauty Care, consisting of Apollo Health Corp. and Apollo Beauty Corp. (collectively "Apollo"), filed its Answer to Amended Complaint and Counterclaims;

WHEREAS, Count 1 of Apollo's Counterclaims ("Count I") seeks a Declaratory Judgment that United States Design Patent D542,141 ("141 Design Patent") is invalid and unenforceable;

WHEREAS, the '141 Design Patent has not been asserted in the action by Plaintiff;

WHEREAS, the parties wish to resolve any current dispute with respect to the '141 Design Patent;

NOW THEREFORE, the Parties stipulate and agree as follows:

1. Unilever, on behalf of itself and its affiliates, stipulates and agrees that it will not assert in this matter or otherwise the '141 Design Patent against Apollo based on Apollo's use of the bottle design that is the subject of the Amended Complaint.

2. Pursuant to Federal Rule of Civil Procedure 41(a)(1)(ii), Apollo voluntarily dismisses Count I of Apollo's Counterclaims.

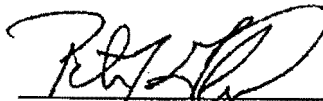
STIPULATED AND AGREED

Date: March 8, 2011



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Date: March 8, 2011




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SO ORDERED:

  
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Honorable Lawrence M. McKenna  
United States District Judge

Date: 3/10/11

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